

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

CRIMINAL NO.
04-10374-DPW

EDUARDO RODRIQUEZ
Defendant

TRIAL ORDER, PRETRIAL CONFERENCE AND ORDER OF EXCLUDABLE DELAY

WOODLOCK, D.J.

A FOUR (4) day jury trial is set for **MAY 1, 2006 AT 9:00 A.M.**, in Courtroom #1 on the 3RD floor before the Honorable Douglas P. Woodlock. The time period from **OCTOBER 18, 2005 to May 1, 2006** is deemed excludable in the interests of justice. Trial will continue day to day on a 9 to 1 schedule until deliberations. A pretrial conference will be held on **APRIL 20, 2006 at 2:30 P.M.**

In preparation for trial, it is hereby ORDERED that:

1. Unless otherwise ordered, but by no later than **APRIL 13, 2006**, counsel for the government and defense shall:
 - A. Exchange proposed written stipulations of fact in a form suitable for presentation to the jury.
 - B. File **ELECTRONICALLY** (with 2 courtesy copies):
 - (1) All proposed questions each requests the Court to direct to the jury panel during voir dire examination.
 - (2) A Trial Brief addressing anticipated disputes concerning evidentiary issues and other matters of law unless a different date has been specified.
 - (3) Proposed Jury Instructions with citations to supporting authority.
2. No later than the first day of trial and before impaneling the jury, the government shall submit to the Court **in triplicate**, with additional copies for defense counsel, a list of its witnesses, including their residences or institutional address, and the name of the case agent, if any, who is to sit at government counsel table. Defendant(s) shall submit a list of prospective alibi witnesses and any other witnesses the defendant(s) wish brought to the attention of the jury during voir dire, identified by city or town of residence or by the institutional address.

3. All parties shall, prior to the commencement of trial, mark for identification purposes all proposed exhibits and materials intended to be used as offered during trial. On the first day of trial each party shall file copies and shall file, **in triplicate**, a listing of such proposed exhibits. Such exhibits should be pre-marked in a numerical sequence and labeled either "Government Exhibit" or "Defendant Exhibit". (see attached form for exhibit list)
4. Any request to use special audio-visual or other electronic equipment during the trial shall be made as soon as possible prior to the trial date.

Counsel are advised of the Court's "5 minute-rule", which requires that during jury deliberations, counsel may leave the courtroom, but must appear in court within 5 minutes of a call from the deputy clerk, in order to respond to any jury question or for the return of a verdict. Defense counsel are encouraged, but not required, to bring pagers/beepers with them during jury deliberations, should they desire to leave the courtroom to use the library or the cafeteria, or go to some other location within a 5 minute radius.

BY THE COURT

/s/ Michelle Rynne
Deputy Clerk

October 20, 2005

USE THIS FORMAT FOR PREPARATION OF EXHIBIT LIST:

Exhibit Offered By:	Exhibit Number/ Letter	Marked [yes/no]	Admitted [yes/no]	Descrip- tion of Exhibit	Offered through Witness:	Date Admitted

SAMPLE EXHIBIT LIST

(Third, Fourth, Sixth and Seventh Columns
and bracketed material to be completed at trial)

Exhibit Offered By:	Exhibit Number/ Letter	Marked [yes/no]	Admitted [yes/no]	Descrip- tion of Exhibit	Offered through Witness:	Date Admitted
Plaintiff	1	yes	yes	MGH Hospital Record dated 8/5/98	John Jones	10/10/98
Defendant	2	yes	yes	Boston Police Report dated 8/5/98	Officer John Smith	10/11/98
Plaintiff	3A	yes	yes	3x5 photo of Plaintiff showing injuries	Plaintiff	10/11/98
Plaintiff	3B	yes	yes	4x6 photo scene of accident	Plaintiff	10/11/98